

## *Community Preservation Act*

### **Purchase Hailed as "Win Win"**

By PAULA MAXWELL

Conservation and other town officials are thrilled at the news of a purchase and sale agreement signed by Martin and Nora Delano and Old Cord Realty Trust with the town for possible acquisition of the 32.9 acre site off Temple Street.

Once proposed as the site for the \$1.6 million Delano's Farms housing development, the land will be considered for town meeting approval for open space and aquifer protection.

Conservation Administrator Joe Grady said voters will be asked to approve designation of Community Preservation Funds toward the \$1.65 million property purchase at a special June 17 town meeting.

The Community Preservation Committee met yesterday afternoon to formulate plans for the recommendation to town meeting.

"This is very exciting," said Grady. "We knew that this piece of property was not suitable for development. There were a number of health and safety issues, as well as access problems. The land is situated in the town's aquifer overlay zone near potential future well sites."

Grady emphasized that the town's prospective purchase should not be viewed as "anti affordable housing". The Delano's Farm proposed project would have set aside 13 of the proposed 51 units for that purpose.

He said the town could still consider use of Delano's house which is located on the land for possible affordable or senior housing purposes either the unit itself, or selling it off and putting the money towards approved housing in another part of town.

Also under agreement is another 13 acre

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parcel off Congress Street which would be sold to the town by Eugene Merlet for \$312,400.

Grady said the wooded acreage abuts town conservation land including a bog area recently purchased by the town.

CPC Chairman Ed McGlinchey called the land agreements "a win win" for the town. "This offers a chance to expand our open space and protect the aquifer," he said.

Duxbury was one of 31 towns in the state to approve the Community Preservation Act in the first year and this October should be entitled to matching state funds for \$840,000 for revenue raised by the town totalling about \$1.68 million. McGlinchey said the second year 42 towns have approved the program which means Duxbury would still receive a high percentage match in funds.

Under the state program, 10 percent of funds must be set aside for the three separate areas of open space, historic preservation and affordable housing purposes. The remaining 70 percent can be designated in any of those areas. The CPC has been meeting to evaluate possible uses for the funds as set forth by proponents in town. The CPC will make its recommendations to the town meeting for ultimate approval by the voters.

Michael Okola, president of the Cordwood-Jeremiah Neighborhood Assn. which fought the development of Delano's Farms for over three years and hired attorney Jon Witten to represent the group, said, "It's not over till it's over."

He referred to the necessary vote of town meeting to expend the CPC funds for the purchase.. "Naturally we are pleased and we hope the outcome will be favorable," he said.

Attorney Witten, who is also a member of the CPC committee recused himself during matters relating to the Delano's Farm issue. Of the proposed purchase he said, "I think this is a wonderful outcome and an appropriate use of CPA and municipal funds to protect a very valuable piece of land."

He said the proposed purchase is not a response by the town to a 40B application (anti snob zoning legislation) but recognition that the land is valuable and "best protected and not developed." "40B is not a mechanism for developing affordable housing in the other 49 states... It is a crammed down threat ..."

He said the 40B is an "abuse of the statute" which he said should be "repealed or revised."

Under state anti snob zoning law the 40B comprehensive permit request allows developers to bypass certain town land ordinances if the development proposed would provide 25 percent affordable units and if the town is below the state recommended 10 percent quota for affordable housing units provided.

Grady said that Town Counsel Robert Troy worked tirelessly behind the scenes to expedite the purchase and sale agreement with the town.

"We've been negotiating behind the scenes for a long time," said Grady, "even before we purchased the Camp Wing land."